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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,145	04/27/2001	Salil Pradhan	30014343 US	7305
22879 7590 07/02/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD			EXAMINER	
			ELAHEE, MD S	
	INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400		ART UNIT	PAPER NUMBER
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			07/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
	09/843,145	PRADHAN ET AL.				
Office Action Summary	Examiner	Art Unit				
	Md S. Elahee	2614				
The MAILING DATE of this communication app						
Period for Reply		·				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 04/04	<u>4/2007</u> .					
· <u> </u>	<i>,</i> —					
	Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
closed in accordance with the practice under E	:x рапе Quayle, 1935 C.D. 11, 45	03 U.G. 213.				
Disposition of Claims	•					
	4) Claim(s) <u>1-5,7-12,14,20-22 and 25-41</u> is/are pending in the application.					
4a) Of the above claim(s) is/are withdraw	wn from consideration.					
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>5,7-12,14,20-22,25-37 and 39-41</u> is/a 7)⊠ Claim(s) <u>12 and 38</u> is/are objected to.	ге гејестеа.					
8) Claim(s) are subject to restriction and/or	r election requirement	1				
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Application Papers	•					
9) The specification is objected to by the Examine						
10) The drawing(s) filed on is/are: a) acce						
Applicant may not request that any objection to the		• •				
Replacement drawing sheet(s) including the correct  11) The oath or declaration is objected to by the Ex		• • • • • • • • • • • • • • • • • • • •				
		7.00.011 011011111 1 0 102.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a)	)-(d) or (f).				
a) All b) Some * c) None of:	s have been received					
	<ul> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> </ul>					
3. Copies of the certified copies of the prior	• •					
application from the International Bureau		74 III tillo Mattorial Otago				
* See the attached detailed Office action for a list	` ''	ed.				
·						
Attachment(s)						
1) Notice of References Cited (PTO-892)	4) Interview Summary	(PTO-413)				
2) 🔲 Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da					
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	6) Other:	atent Application (FTO-192)				

#### **DETAILED ACTION**

## Response to Amendment

1. This action is responsive to an amendment filed 04/04/2007. Claims 1-5,7-12,14,20-22 and 25-41 are pending. Claim 13 has been previously cancelled. Claims 38-41 have been newly added.

### Response to Arguments

2. The arguments filed in the 04/04/2007 Remarks have been fully considered but they are not persuasive because of the following:

The applicant argues on page 9, "The Office Action includes an alleged quote from the Manual of Patent Examining Procedure (MPEP), but does not provide the MPEP § from which the quote is obtained". Examiner agrees with this argument. For quote, "If the application properly claims benefit under 35 U.S.C. 119(e) to a provisional application, the effective filing date is the filing date of the provisional application for any claims which are fully supported under the first paragraph of 35 U.S.C. 112 by the provisional application" see MPEP 706.02[R-3] under section V and for quote, "In applications claiming priority under 35 U.S.C. 119(e), a statement such as "This application claims the benefit of U.S. Provisional Application No. 60/ - --, filed - --" should appear as the first sentence>(s)< of the specification or in an application data sheet" see MPEP 13.06 under section "Examiner Note".

Regarding claim 1, the Applicant argues on page 10 that "If the Examiner is relying on this provision of the MPEP, he has a burden to prove that the claims of publication Application/Control Number: 09/843,145

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2002/0161674 are fully supported by the provisional application". Examiner respectfully disagrees with this argument. According to quote, "If the application properly claims benefit under 35 U.S.C. 119(e) to a provisional application, the effective filing date is the filing date of the provisional application for any claims which are fully supported under the first paragraph of 35 U.S.C. 112 by the provisional application", examiner needs to show any claims of the provisional application which are fully supported under the first paragraph of 35 U.S.C. 112 by the provisional application. For example for claim 1 of publication 2002/0161674, see page 4-8 of summary of the provisional application.

The applicant further argues on page 12 that "The Examiner has the burden of proving that the provisional application includes a statement that is the same as or similar to the statement of paragraph 256 of the published application, the only portion of the Scheer published application on which the Examiner relies". In page 19 of "MRO ISCM - Intelligent Agent Architecture" section 11 of the provisional application, the provisional application includes a statement that is the same as or similar to the statement of paragraph 256 of the published application.

The Applicant further argues on page 12 that in paragraph 0256 of Scheer, there can be no change in the message data that the broker device sends to the advertiser device because the broker device sends exactly the same message data to the distributor agent that the broker received. Examiner respectfully disagrees with this argument. The examiner depend upon Scheer only for the teaching of changing message data of the reply at the broker device. In paragraph 0256, Scheer discloses, after receiving "subscribe" performative, the broker sets up an entry to service this request. In reply to this request, the broker prepares status change messages and inform the distributor to send the status change messages. Therefore, it is clear that Sheer teaches changing message data of the reply at the broker device. Thus, the rejection of the claims in view of Rautila and Scheer will remain.

Regarding claims 27-29, the Applicant argues on pages 13-14 that the requirements for claims 27-29 are not found in Rautila et al. Examiner respectfully disagrees with this argument. The requirements are found in col.7, lines 1-10 of Rautila. Thus, the rejection of the claims in view of Rautila and Scheer will remain.

Regarding claim 1, the Applicant argues on page 15 that Todd does not disclose communicating a changed reply message at a broker device and communicating the changed reply message from the broker device to the advertiser device. Examiner didn't rely upon Todd for the teaching of communicating a changed reply message at a broker device and communicating the changed reply message from the broker device to the advertiser device. Instead examiner relied upon Todd for the teaching of changing message data of the reply at the broker device (see col.5, lines 58-64). Therefore, the rejection of the claims in view of Rautila and Todd will remain.

Regarding claim 20, the Applicant argues on page 8 that **Konishi** has nothing to do with an advertiser or a replier to an advertisement. Examiner respectfully diagrees with this argument. **Konishi** teaches response message corresponding to a transmitted message [i.e., advertisement] (see col.2, lines 55-57). Therefore, the rejection of the claims in view of **Rautila** and **Konishi** will remain.

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3. Applicant's arguments regarding claims 31, 39 Remarks have been fully considered but are most in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

## Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
  - 1. Determining the scope and contents of the prior art.
  - 2. Ascertaining the differences between the prior art and the claims at issue.
  - 3. Resolving the level of ordinary skill in the pertinent art.
  - 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- 6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-5, 7-11, 14, 27-31, 33 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila et al. (U.S. 6,549,625) in view of Scheer (U.S. 2002/0161674).

As to Claims 1, 27-30, with respect to Figures 1-4, Rautila teaches a method of advertising comprising:

broadcasting an advertisement via a short range link from an advertiser telecommunications device, 14, (Figure 1, labels 12,14);

receiving the broadcast advertisement on a consumer telecommunications device, 12, (Figure 1, label 12);

replying to the advertisement by sending a SMS message (reply message including message data) from the consumer device to a broker device, 26 (Figure 1, label 26 and Col. 7, lines 1-10);

changing the SMS message to an acknowledgment message (reply message) at the broker device to derive a changed reply message (Col. 7, lines 1-10);

communicating the acknowledgement (changed reply) from the broker device to the advertiser device (Col. 7, lines 1-10).

However, Rautila does not specifically teach "changing message data of the reply at the broker device". Scheer teaches changing message data of the reply at the broker device (page 26, paragraph 0256). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rautila to change message data of the reply at the broker

device as taught by Scheer. The motivation for the modification is to have doing so in order to deliver a updated message in response to a request of the recipient whenever he needs.

As to Claim 2, Rautila teaches a method according to claim 1 in which the advertisement is broadcast to a man portable consumer device (Figure 1, label 12).

As to Claim 3, Rautila teaches a method according to claim 2 in which the consumer telecommunications device is a hand-holdable portable and pocketable device (Figure 2).

As to Claim 4, Rautila teaches a method according to claim 1 in which the advertisement is broadcast from a man portable advertiser device (Figure 1, label 14).

As to Claim 5, Rautila teaches a method according to claim 4 in which the advertiser device is a hand-holdable portable device (Figure 1, label 14).

As to Claim 7, Rautila teaches a method according to claim 1 in which the advertiser device does not include its own telecommunications address in its broadcast advertisement (Figure 3 and Col. 6, lines 48-60 and Col. 8, lines 63-67).

As to Claim 8, Rautila teaches a method according to claim 7 further including the step of including the telecommunications address of the broker device in the advertisement (Col. 7, lines 12-22).

As to Claim 11, Rautila teaches a method according to claim 1 in which the consumer device replies to an advertisement via long range telecommunications (Figure 1, label 42).

As to Claim 14, Rautila teaches a method according to claim 1 comprising using a mobile telephone, personal digital assistant, or other small portable electronic devices for both the advertiser device and the consumer device, the advertiser and consumer devices both having both piconet short range and long range telecommunication capabilities (Col. 6, lines 23-47).

Claim 31 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Rautila teaches a method according to claim 1, wherein the reply message communicated from the broker device to the advertiser device is changed by the broker device changing the message sent by the consumer device by augmenting the message in the reply message sent by the consumer device to the broker device (Col. 10, lines 1-8, 58-64 and Col. 5, lines 39-51).

As to Claim 33, Rautila teaches a method according to claim 1, further including transmitting additional advertisement information from the advertiser device to the consumer device in response to a request for additional information by the consumer device to the advertisement (Col. 10, lines 1-8, 58-64 and Col. 5, lines 39-51).

As to Claim 39, Rautila teaches a method according to claim 1, wherein the reply message communicated from the broker device to the advertiser device is changed by the broker device

changing the message data sent by the consumer device by deleting some of the message data in the reply message sent by the consumer device to the broker device (Col. 10, lines 1-8, 58-64 and Col. 5, lines 39-51).

8. Claims 1-5, 7-11, 14, 27-31, 33 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila et al. (U.S. 6,549,625) in view of Todd (U.S. 6,785,682).

As to Claims 1, 27-30, with respect to Figures 1-4, Rautila teaches a method of advertising comprising:

broadcasting an advertisement via a short range link from an advertiser telecommunications device, 14, (Figure 1, labels 12,14);

receiving the broadcast advertisement on a consumer telecommunications device, 12, (Figure 1, label 12);

replying to the advertisement by sending a SMS message (reply message) from the consumer device to a broker device, 26 (Figure 1, label 26 and Col. 7, lines 1-10);

changing the SMS message to an acknowledgment message (reply) at the broker device (Col. 7, lines 1-10);

communicating the acknowledgement (changed reply) from the broker device to the advertiser device (Col. 7, lines 1-10).

However, Rautila does not specifically teach "changing message data of the reply at the broker device". Todd teaches changing message data of the reply at the broker device (col.5, lines 58-

64). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rautila to change message data of the reply at the broker device as taught by Todd. The motivation for the modification is to have doing so in order to deliver a modified message in response to a request of the recipient whenever he needs.

As to Claim 2, Rautila teaches a method according to claim 1 in which the advertisement is broadcast to a man portable consumer device (Figure 1, label 12).

As to Claim 3, Rautila teaches a method according to claim 2 in which the consumer telecommunications device is a hand-holdable portable and pocketable device (Figure 2).

As to Claim 4, Rautila teaches a method according to claim 1 in which the advertisement is broadcast from a man portable advertiser device (Figure 1, label 14).

As to Claim 5, Rautila teaches a method according to claim 4 in which the advertiser device is a hand-holdable portable device (Figure 1, label 14).

As to Claim 7, Rautila teaches a method according to claim 1 in which the advertiser device does not include its own telecommunications address in its broadcast advertisement (Figure 3 and Col. 6, lines 48-60 and Col. 8, lines 63-67).

As to Claim 8, Rautila teaches a method according to claim 7 further including the step of including the telecommunications address of the broker device in the advertisement (Co1. 7, lines 12-22).

As to Claim 11, Rautila teaches a method according to claim 1 in which the consumer device replies to an advertisement via long range telecommunications (Figure 1, label 42).

As to Claim 14, Rautila teaches a method according to claim 1 comprising using a mobile telephone, personal digital assistant, or other small portable electronic devices for both the advertiser device and the consumer device, the advertiser and consumer devices both having both piconet short range and long range telecommunication capabilities (Col. 6, lines 23-47).

Claim 31 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Rautila teaches a method according to claim 1, wherein the reply message communicated from the broker device to the advertiser device is changed by the broker device changing the message sent by the consumer device by augmenting the message in the reply message sent by the consumer device to the broker device (Col. 10, lines 1-8, 58-64 and Col. 5, lines 39-51).

As to Claim 33, Rautila teaches a method according to claim 1, further including transmitting additional advertisement information from the advertiser device to the consumer device in

response to a request for additional information by the consumer device to the advertisement

(Col. 10, lines 1-8, 58-64 and Col. 5, lines 39-51).

As to Claim 39, Rautila teaches a method according to claim 1, wherein the reply message

communicated from the broker device to the advertiser device is changed by the broker device

changing the message data sent by the consumer device by deleting some of the message data in

the reply message sent by the consumer device to the broker device (Col. 10, lines 1-8, 58-64 and

Col. 5, lines 39-51).

9. Claims 20, 21 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rautila et al. (U.S. 6,549,625) in view of Konishi (U.S. 5,301,273).

As to Claims 20, 21, 32 with respect to Figures 1-4, Rautila teaches a server with database 26

(server), the server including an arrangement adapted to act as an advertisement broker device

adapted to receive an SMS message (one of (i) an advertisement message or (ii) a reply message

to an advertisement) and to forward the received message to a mobile terminal (remote

telecommunications device) (Col. 10, lines 1-8 and 55-64);

the arrangement being adapted to validate the user (modify the received message) so as to

ensure, at least initially, that the mobile user is an authorized user to receive the additional

information about the goods or service or other information sources (Col. 9, lines 15-20, 56-67,

Col. 10, lines 1-8, 55-63).

However, Rautila does not specifically teach the server to ensure, at least initially, that no telecommunications address of an advertiser or replier to an advertisement is passed with the message that is transmitted by the server". Konishi teaches the bridge unit (fig. 1, item 20a, fig. 2) [i.e., server] to ensure, at least initially, that no telecommunications address of an advertiser or replier to an advertisement is passed with the message that is transmitted by the server (abstract; col.2, lines 52-58). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rautila to incorporate the server to ensure, at least initially, that no telecommunications address of an advertiser or replier to an advertisement is passed with the message that is transmitted by the server as taught by Konishi. The motivation for the modification is to do so in order to remove an address from a message to be transmitted so that the message can be broadcasting again.

10. Claims 22, 25, 26, 37, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila et al. (U.S. 6,549,625) in view of Paltenghe et al. (U.S. 2001/0011250).

As to Claims 22, 40, 41, with respect to Figures 1-4, Rautila teaches a network comprising an advertiser device (fig.1, item 16, fig.3) comprising a first telecommunications device having both a short range transmitter and receiver (fig.1, item 14), and a long range telecommunication transmitter and receiver (fig.1, item 30, fig.3), a memory, and a control processor, the memory including all advertisement (fig.1; col.8, lines 5-13);

a consumer device (fig.1, item 12) comprising a second telecommunications device, having both a short range, piconet, transmitter and receiver, and a long range telecommunications transmitter and receiver, a memory and a control processor, the memory or the processor of the consumer device having an advertisement receiver which in use, is capable of receiving and storing advertisement (fig.2);

a server with database 26 [i.e., an advertisement broker device] contactable via wireless telecommunications with both the advertiser and consumer devices, the broker device being adapted to selectively pass advertiser details to the consumer device, consumer details to the advertiser device, or both, in response to triggering (Col. 9, lines 15-20, Col. 10, lines 1-8, 55-64).

However, Rautila does not specifically teach that block passage of advertiser details to the consumer device". (Note; examiner considers the claimed "or" in line 8 of the claim 22 as simple alternative "or", therefore, examiner selects only the claimed "advertiser details to the consumer device"). Paltenghe teaches that block passage of advertiser details to the consumer device (col.5, lines 58-64). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rautila to block passage of advertiser details to the consumer device as taught by Paltenghe. The motivation for the modification is to have doing so in order to prevent direct contact between advertiser and consumer.

As to Claim 25, Rautila teaches the network of claim 22 in which the broker device is connectable with the advertiser device and the consumer device via long range wireless telecommunications (fig. 1).

As to Claim 26, Rautila teaches the network of claim 22 wherein each the telecommunication

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devices includes a hybrid telephone (Co1. 8, lines 49-52).

As to Claim 37, Rautila does not specifically teach that block passage of address of the advertiser

devices to the consumer device. Paltenghe teaches that block passage of address of the advertiser

devices to the consumer device (col.5, lines 58-64). Thus, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Rautila to block passage of

address of the advertiser devices to the consumer device as taught by Paltenghe. The motivation

for the modification is to have doing so in order to prevent direct communication between

advertiser devices to the consumer device.

11. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila et al.

(U.S. 6,549,625) in view of Paltenghe et al. (U.S. 2001/0011250) further in view of Konishi

(U.S. 5,301,273).

Claim 34 is rejected for the same reasons as discussed above with respect to claim 20.

12. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila

et al. (U.S. 6;549,625) in view of Scheer (U.S. 2002/0161674) further in view of Paltenghe et al.

(U.S. 2001/0011250).

Claims 35 and 36 are rejected for the same reasons as discussed above with respect to claims 22

and 37 respectively.

13. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila

et al. (U.S. 6,549,625) in view of Todd (U.S. 6,785,682) further in view of Paltenghe et al. (U.S.

2001/0011250).

Claims 35 and 36 are rejected for the same reasons as discussed above with respect to claims 22

and 37 respectively.

Allowable Subject Matter

14. Claims 12 and 38 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The

examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the

organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent

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Md. Shafind Alum Elahu MD SHAFIÙL ALAM ELAHEE

June 25, 2007